

REMARKS

Status of the Claims

Claim 1 – 8 and 20 – 23 were previously pending.

Claims 9 – 19 were previously cancelled in response to the Examiner's Restriction notice.

Claims 1 and 8 have been amended.

Claims 1 – 8 and 20 - 23 are now pending.

Support for these amendments can be found in the application at least at previously added claims 20 and 23.

Rejection of Claims 1 – 8 and 20 - 23 under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 1 – 8 pursuant to 35 U.S.C. §112 for not being definite and particularly pointing out the subject matter claimed. Independent claims 1 and 8 both recite metal tubes "standardized for use in vehicle exhaust systems." The Examiner has rejected this language as "unclear to claim a vehicle structure with respect to a different and uninvolved device". The Examiner has further stated that there is no "standard" tube for a vehicle exhaust system. Applicants traverse the Examiner's rejection.

As explained in the application, in the automotive industry, suspension subframes are typically made of a heavy steel material, with a relatively thick gauge. On the other hand, tubes that are used for vehicle exhaust systems are generally lighter, with a smaller gauge. While no exact, official standard exists for a vehicle exhaust system, it is standard in the industry for a tube for an exhaust system to be lighter and of smaller gauge than an equivalent length of suspension subframe tubing. As such, vehicle exhaust tubing would not, on its own, be interchangeable with suspension subframe tubing but for the disclosure of the present invention. As such, the term "standardized" is clear in view of the present disclosure. Independent claims 1 and 8 therefore both overcome the Examiner's rejection under 35 U.S.C. §112.

Since claims 2 – 7 and 20 – 23 are dependent on claim 1, these claims also overcome the Examiner's rejection. Applicants therefore request that the Examiner withdraw his rejection of claims 1 – 8 and 20 – 23 under 35 U.S.C. §112.

Rejection of Claims 1 - 8 and 20 – 23 under 35 U.S.C. §103(a)

In the Office Action, the Examiner has rejected claims 1 – 8 and 20 – 23 pursuant to 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,511,096 to Kunert *et al* ("Kunert") in view of U.S. Patent No. 6,233,826 to Wycech ("Wycech") in view of Japanese patent JP 405278049A to Kato *et al* ("Kato"). The rejected claims are not made obvious by the combination of Kunert and Wycech since a person of ordinary skill in the art would not have combined the tubing teachings of Kunert with the foam teachings of Wycech. Kunert discloses a "subframe for a motor vehicle, particularly for a rear axel of a motor vehicle". (Kunert at col. 1, ll. 9 – 10). Kunert does not disclose a suspension support for an entire vehicle. Further, Kunert does not disclose the use of vehicle exhaust system tubes to construct the rear suspension. Even though the specification of Kunert suggests a "light metal or iron material", at no time does Kunert suggest a tube of the type used in a vehicle exhaust system. In fact, since thick gauge tubes are necessary in the absence of a structural foam to absorb the shock experienced by the vehicle suspension, the tubes used in Kunert must be of a thick-gauged suspension assembly type, and not of a thin-gauged vehicle exhaust type.

However, with the thick gauge of the Kunert tubes, additional structural support via a structural foam, is not necessary to provide additional shock absorbance. In fact, the addition of the foam would only increase the weight of the suspension subframe without providing a significant increase in shock-absorption. As such, there would be no motivation to combine the thick suspension tubing of Kunert with a structural foam as in Wycech.

For similar reasons as above, there would further be no motivation to combine the thick suspension tubing of Kunert with a structural foam as disclosed in Kato.

Thus, Kunert, alone or in combination with Wycech or Kato, does not suggest the arrangement of either claim 1 or claim 8, and these claims therefore overcome the §103(a) rejection.

Since claims 2 – 7 and 20 – 23 are dependent on claim 1, these claims are also not anticipated or suggested by Kunert, alone or in combination with Wycech or Kato.

Applicants request that the Examiner withdraw his rejection to claims 1 – 8 and 20 – 23 under 35 U.S.C. §103(a) with respect to these references.

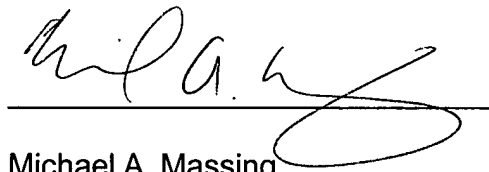
Rejection of Claims 1 – 8 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner has rejected claims 1 - 8 pursuant to 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,516,913 to Hartel *et al* ("Hartel") in view of the Applicant's Admitted Prior Art of Figure 1 ("AAPA"). Claims 1 and 8 have been amended to further claim the structural foam, as claimed separately in claims 20 and 23. Neither the AAPA nor Hartel disclose the use either of a cartridge-based foam or of a sprayable foam. Thus, Hartel, alone or in combination with the AAPA, does not suggest the arrangement of either claim 1 or claim 8, and these claims therefore overcome the §103(a) rejection.

CONCLUSION

For the foregoing reasons, all of the rejections set forth by the Examiner have been overcome. Applicants therefore believe that the application is therefore in condition for allowance. Favorable reconsideration of the application is respectfully requested. If for any reason, the Examiner is unable to allow the application but believes that an interview would be helpful to resolve any issues, he is respectfully requested to call the undersigned at (312) 245-5354.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Massing", is written over a horizontal line.

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